



<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/663,571	ZLATANOV ET AL.
	Examiner Nathan Hillery	Art Unit 2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 November 2005.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 14-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 14-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 15 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 9/15/03, 11/23/05.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to communications: Restriction Election filed on 11/23/05.
2. Claims 14 – 20 are pending in the case. Claim 14 is independent.

#### ***Election/Restrictions***

3. Applicant's election of Group III in the reply filed on 11/23/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 14 – 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 14 – 20 simply recite a data structure per se without being tangibly embodied to any form of computer hardware (e.g. computer processor).

6. Further, to expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

***Claim Objections***

7. Claims 15, 18 and 19 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 15 seeks to further limit the “when” clause in its parent claim, claim 14. Claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed. See MPEP 2111.04. Consequently, claim 15 will be treated as substantially similar to claim 14 for purposes of this examination. Claim 17 is a Markush claim; therefore, it is only necessary to follow one path as set forth in that claim. The path(s) limited by claims 18 and 19 may or may not be followed; thus, claims 18 and 19 do not fully further limit the claim from which it depends. Consequently, no further action on the merits with respect to claims 18 and 19 will be taken by the Office at this time.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 14 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al. (US 20020116417 A1).

10. **Regarding independent claim 14**, Weinberg et al. teach that A partition is the division of a group of records into one or more subgroups, each of which is defined by

the set of records from that group that have a fixed set of values for one or more fields and/or attributes. The partition is specified by the set of fields and/or attributes whose values or value combinations will define the subgroups. The partitioning table is the main table of records that is to be divided into partitions. A partitioning hierarchy of a partitioning table is a hierarchy in which the nodes of the hierarchy represent partitions of the partitioning table. A partitioning node is a node in the partitioning hierarchy that corresponds to a particular family of records. Since a partition simply divides a group of records into sub-groups, the set of records represented by a partitioning node is exactly the set of records represented by combining the sets of records represented by each of the descendants of that partitioning node. The root partitioning node (or root partition) represents the entire set of records of the partitioning table; each sub-node represents only those records which have the fixed set of field and/or attribute values defined by the partitions starting at that sub-node and tracing ancestors back up to the root; the entire set of leaf partitioning nodes (or leaf partitions) represents the entire set of records; and each record of the partitioning table belongs to one and only one leaf partitioning node (paragraph blocks 0078 – 0081), compare with a **layout table that includes a row for storing an identity of said layout and an identity of the top split in said hierarchy of splits; a layoutdata table that includes a row for each split in said hierarchy of splits, wherein each respective split stored in said layoutdata table comprises: (i) a parent field that specifies the parent split of the respective split; and (ii) a type field that specifies whether the respective split is a data split and, when the respective split is not a data split, defines an orientation of the**

**respective split within the parent split of the respective split.** Weinberg et al. do not explicitly say “split” or “type field”. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to use and/or modify Weinberg et al. in order to solve the problem claimed. Specifically, the partitions of Weinberg et al. could have been a “split”, Since a partition simply divides a group of records into sub-groups (paragraph block 0081) and the attribute values of Weinberg et al. could have been “type field”, since Weinberg et al. teach that *A field describes one of the data elements of a record and is common to all the records in a table* (paragraph block 0058).

11. **Regarding dependent claim 15**, the claim incorporates substantially similar subject matter as claim 14 and is rejected along the same rationale.

12. **Regarding dependent claims 16 and 17**, Weinberg et al. teach that *A presentation is a formatted family layout consisting of both the common information and the tabular information for the group of related family records* (paragraph block 0077), compare with **a views table for storing a different view for each data split in said split hierarchy, wherein each said different view references an object**. Weinberg et al. teach that *A family is a group of records in a table which are related by one or more common fields and/or attributes that have the same value, and which may also have additional fields of common information, such as an image, a logo, a paragraph of descriptive text, bullets of specifications, and so on* (paragraph block 0076), compare with **an objects table for storing each said referenced object; and an object in said objects table is a text object, a blog object, or a gallery object**.

13. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al. (US 20020116417 A1) as applied to claims 14 above, and further in view of Marca (US 5050074 A).

14. **Regarding dependent claim 20**, Marca teaches that *If, on the other hand, in step 103 the processing module 12 determines that the flag is set in the object flag field 42 indicating that the actor, performing the role, can enable the processing module 12 to access the object 21, the processing module 12 retrieves the identified object 21 from the object database 20 (step 104) and determines its state (step 105) as indicated by the contents of its state field 77. Using the identified state, the processing module 12 then, using the state/action table 16, identifies the actions that can be performed in connection with the object 21 (step 106). In so doing, the processing module 12 identifies the actions associated with the flags that are set in the action flag fields 52 in the entry 50 associated with the state identified by the contents of the state field 77. It will be appreciated that, if the storage module contains a plurality of state/action tables 16 each associated with one or more selected objects, the processing module 12 will use the state/action table 16 associated with the object 21 in this operation (Column 7, lines 30 – 50), which is synonymous with the database further comprising an actions table for storing each operation on said layout that is performed by a user.* I would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Weinberg et al. with that of Marca because such a combination would provide the users of with a *new and improved system, used in*

Art Unit: 2176

*conjunction with a computer, for coordinating activities by a plurality of actors within a common operation having multiple constituents* (Column 1, lines 45 – 48).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (571) 272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
HEATHER R. HERNDON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

NH